DOCUMENT RESUME

ED 261 210 CE 042 392

TITLE Information for Agents or Solicitors of Louisiana Proprietary Schools. Bulletin #1430.
INSTITUTION Louisiana State Dept. of Education, Baton Rouge. Div. of Vocational Education.
PUB DATE 85
NOTE 10p.
PUB TYPE Guides - General (050)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Accountability; Codes of Ethics; *Laws; *Marketing; Postsecondary Education; *Proprietary Schools; Public Relations; *State Standards; *Student Recruitment; Vocational Education; *Vocational Schools
IDENTIFIERS *Louisiana

ABSTRACT

This information is designed to assist agents or solicitors in the task of helping proprietary schools alleviate the current criticism and complaints relative to unlawful and unethical practices in the marketing area of the industry. The definition of an agent or solicitor is provided. Information is presented on the ethical conduct of agents. The terms "approved" and "accredited" are also defined. The following laws and regulations governing agents are provided: statutes relating to agents, Proprietary School Commission Regulations relating to agents, and guides and regulations pertaining to agents promulgated by the Federal Trade Commission. "Guidance Counselor" is defined in terms of the duties he/she performs. The accountability of schools for actions of agents is also discussed. (YLB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED261210

BEST COPY AVAILABLE

INFORMATION FOR AGENTS OR SOLICITORS OF LOUISIANA PROPRIETARY SCHOOLS

BULLETIN #1430

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

- This document has been reproduced as received from the person or organization originating it.
- Minor changes have been made to improve reproduction quality.
- Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

J Ward

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

This public document was published at a total cost of $4,674.00; 600 copies of this public document were published in this first printing at a cost of $4,674.00. The total cost of all printings of this document, including reprints, is $4,674.00. This document was published by the Louisiana Department of Education, Post Office Box 44064, Baton Rouge, Louisiana 70804, as part of the department's information program under special exception by the Division of Administration. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S.43:31.

PREFACE

This information has been developed to assist agents or solicitors in the important task of helping proprietary schools alleviate the current criticism and complaints relative to unlawful and unethical practices in the marketing area of the industry.

A thorough study of its contents and adherence to the statements will, in the opinion of this office, not only contribute to this effort, but also will make your role as an agent or solicitor more agreeable and profitable.

Our mutual objective is to provide Louisiana citizens with quality postsecondary education incorporating the necessary skills required by our increasingly complex, technical, and social society.

To fulfill the role of the private occupational schools in the nation's vast educational structure, representatives of such schools must closely follow the material in this publication. Your full compliance and cooperation are appreciated.

Sincerely,

Andrew H. Gasperecz

Andrew H. Gasperecz, Director
Proprietary School Commission
Louisiana State Department
of Education
P. O. Box 44064
Baton Rouge, Louisiana 70804

AHG/vcj

DEFINITION

An agent or solicitor is generally defined as a person empowered to act for another. In the Louisiana Proprietary School area an agent is defined as "any individual who solicits prospective students in Louisiana to enroll for a fee in a course or instruction which leads to an occupation."

****

The Ethical Conduct of Agents

An agent is usually the first personal contact between the school and the prospective student. The agent is, therefore, expected to ...

1. Have a thorough understanding of the school, its course offerings, facilities, staff qualifications, and the extent to which those completing a course have, on their own initiative or through the assistance of the school staff, succeeded in obtaining initial employment or advancement in the field in which they were previously employed.

2. Clearly understand that "APPROVED" and "ACCREDITED" are not synonymous terms and are not to be used as such.

   a) Approved means that a school has been issued a license after having met the minimal standards as prescribed by the Louisiana Proprietary School Commission and the directives of La. R.S. 17-3141.1, et seq.

   b) Accredited means that a course or school has been evaluated by a committee designated by its respective accrediting association and found to meet the criteria established by that agency. Recognition of that agency by the U.S. Office of Education is an indication that the Department's criteria for recognition are met, and that schools so accredited are offering quality programs. Such schools are periodically re-evaluated by a team designated by the agency.

The five accrediting agencies recognized for schools coming under the jurisdiction of the Commission are the following:

1) Accrediting Commission of Independent Colleges and Schools (AICS)

2) Accrediting Bureau of Health Education Schools (ABHES)

3) National Association of Trade and Technical Schools (NATTS)

4) Southern Association of Colleges and Schools (SACS)

5) National Home Study Council (NHSC)

In general, accreditation is based on optimal standards which are usually higher than the minimal standards prescribed by the State for approval. Since accreditation is purely voluntary, it does not necessarily follow that a non-accredited school is inferior to an accredited one. The agent, therefore, should not imply or expressly state that the accredited school he represents is superior to a specific non-accredited school which may also be under consideration by the prospective student unless such agent has documentary evidence that such is the case.

3. The agent will also refrain from discrediting other schools by imputing to them dishonorable conduct, inability to fulfill the terms of the contract, inadequate financial standing, or any other derogatory comments unless he has probative evidence to substantiate such statements.

4. The agent will also refrain from attempting to influence a student to withdraw from a school he is currently attending or encourage a prospective student to change plans after signing an enrollment application and paying the registration fee to another school.

5. The agent will also refrain from making exaggerated statements concerning job opportunities.

6. The agent will also carefully explain to the prospective student that, in addition to course completion, certain positions require that he pass a State or

Federal examination and obtain a license prior to employment.

7. The agent will also provide the applicant with a receipt for money collected and a copy of the enrollment agreement. The receipt and the enrollment agreement could be combined in one form.

8. The agent will also promptly remit to the school officials any funds so collected even though the school may be in arrears in its payment for an agent's services.

9. The agent will also cultivate a highly professional working relationship with school officials, especially school counselors, in the enrollment of students in attendance at his school.

10. The agent will also refrain from any attempt to obtain a list of names of prospective students still attending school in any manner other than that which is consistent with the school's policy.

11. The agent will also scrupulously avoid accepting employment or any other type of indemnification with an employment or sales agency other than the placement service provided by the school represented.

12. The agent will also remember at all times that the school one represents can survive only so long as it is able to enroll, train, and place students in satisfactory positions. As one of the key persons in this enterprise, it behooves one, if for no other reason than job security, to conduct oneself at all times in a highly professional and ethical manner.

****

THE LAWS AND REGULATIONS GOVERNING AGENTS

Statutes Relating to Agents

1. No student enrollment shall be solicited through advertising, agents, mail circulars, or other means until the person (school) planning to offer a course of instruction has obtained a license from the Proprietary School Commission.

2. Such license may be suspended, revoked, or cancelled

for certain enumerated causes, one of which is refusal by an agent to display his agent's license upon demand by a prospective student or other interested person.

3. No person or school may accept the services of an agent not licensed in accordance with La. 17-3141.1, et seq.

Commission Regulations Relating to Agents

1. An officer or other school personnel whose primary responsibilities do not include soliciting student enrollments may engage in the enrollment of students on the school premises without securing an Agent's Permit.

2. The Proprietary School Commission must be notified in writing by the school of the dismissal or resignation of an agent or solicitor within ten (10) days. Every effort should be made to return the agent's permit to the office of Proprietary Schools.

3. It shall be the responsibility of each school, through the media of sales manuals, bulletins, or other similiar means, to see that each of its agents is fully familiar with its courses and services, price and terms, and operating policies.

4. Each school must assume the full responsibility for the actions, statements, and conduct of its agents and must, therefore, select each of them with the utmost care, provide them with adequate training, and arrange for constant and proper supervision of their work.

5. The Proprietary School Commission will hold the schools accountable for the actions of their agents. They are to instruct each agent of his responsibility and accountability under the Louisiana law as prescribed by these rules and regulations.

6. All monies collected by the agent while soliciting students must be turned over to the school he represents. All checks received must be made payable to the school he represents and receipts for cash must be given to the student in the name of the school.

Guidance Counselor

1. The term "counselor," or modifications thereof, shall not be used by anyone who solicits or enrolls students. It can be used only by an employee of the school who performs any or all of the following duties:

    1. Advises students while pursuing training,
    2. Follows up graduates to determine effectiveness of training,
    3. Aids in vocational placement of trainees, and may be any person who is by education a qualified professional guidance counselor.

Accountability of Schools for Actions of Agents

1. No school or its agents shall advertise or imply that the school is "recommended" or "endorsed" by the Proprietary School Commission or the State Board of Elementary and Secondary Education. This official reference shall read, "Approved by the State Department of Education."

2. A guarantee of placement for graduates must not be promised or implied by any school, agent, or representative. No school in its advertising or through its representatives or agents shall guarantee or imply the guarantee of employment before enrollment, during the pursuance of the course, or after the course is completed. No school shall guarantee any certain wage or imply earnings greater than the prevailing wage.

3. No owner, partner, officer, employee, or agent acting on behalf of any school shall make any fraudulent statement, misrepresentation, or misleading statement of fact.

4. As an official representative of a school, it shall be your responsibility to keep the following rules in mind:

    1) It is the responsibility of the school to determine with reasonable certainty that a prospective student for enrollment is fully informed as to the nature of the course he desires to take and as to what training can reasonably be expected to do for him.

2) It is the responsibility of the school to determine with reasonable certainty, that each prospective student for training is fully informed as to the nature of the obligation he is entering into and as to his responsibilities and his rights under the contract he has signed.

3) It is the responsibility of the school to establish the qualifications which an enrollee must have to enable him to successfully assimilate the course of instruction to be offered him and to determine with reasonable certainty, in advance of the acceptance of his enrollment, that the student has the proper qualifications to take the training for which he is applying.

4) It is the responsibility of the school to determine that an applicant has no handicap, physical or otherwise, which could reasonably prevent his use of the knowledge or skill gained from the training he desires for successful on-the-job performance after completion of his course.

5) All agents and solicitors should inform the prospective student after he signs his contract that there is a seventy-two (72) hour cooling off period in accordance with Louisiana law. This means that the student has the right to change his mind or cancel a contract within 72 hours after it is officially signed.

Guides and Regulations Pertaining to Agents Promulgated by the Federal Trade Commission

1. A private school "shall not deceptively designate or refer to its sales representatives as 'registrars,' 'counselors,' 'advisors,' or by words of similar import or misrepresent in any other manner, the titles, qualifications, training, experience, or status of its salesmen, agents, employees, or other representatives."

For any additional information on state statutes regarding Consumer Protection, interested parties are to write to:

State of Louisiana
Office of the Governor
Consumer Protection Unit
P. O. Box 44091 - Capitol Station
Baton Rouge, Louisiana 70804